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PETITION OF

ADELPHIA COMMUNICATIONS CORPORATION

CASE NO. PUE-2002-00488

**For application of § 56-466.1
of the Code of Virginia to pole
attachment practices of
Northern Virginia Electric
Cooperative**

HEARING EXAMINER'S RULING

November 27, 2002

On September 11, 2002, Adelphia Communications Corporation ("Adelphia") filed a Petition with the State Corporation Commission ("Commission") against Northern Virginia Electric Cooperative ("NOVEC"). In its Petition, Adelphia seeks the Commission's intervention in failed pole attachment rate negotiations with NOVEC. On November 7, 2002, the Commission issued its Order Establishing Proceeding, in which the Commission assigned the matter to a Hearing Examiner and directed the Examiner to issue a ruling establishing an expeditious procedural schedule. In addition, the Commission directed the Hearing Examiner to submit a report and recommendations that address: (i) the applicability of § 56-6 of the Code of Virginia, including Adelphia's standing to invoke the Commission's jurisdiction thereunder; (ii) findings of fact regarding NOVEC's compliance with § 56-466.1 B; (iii) the applicability of the provisions of § 56-466.1, including § 56-466.1 C, as it relates to Adelphia's Petition; (iv) remedies, if any, available to the Commission; (v) recommended remedies, if any; and (vi) other findings and recommendations as warranted.

A Hearing Examiner's Ruling, dated November 13, 2002, established a procedural schedule for this matter and scheduled the matter for hearing on January 7, 2003.

On November 26, 2002, Adelphia filed an Unopposed Motion for Extension of Time ("Motion") wherein counsel for Adelphia requested a three-week extension of the procedural schedule to provide the parties an opportunity to complete a settlement agreement. Counsel for Adelphia advised that NOVEC does not oppose the Motion.

Good cause having been shown, I find the request for a extension should be granted. Accordingly,

IT IS DIRECTED:

(1) That a hearing is scheduled for January 28, 2003, at 10:00 a.m. for the purpose of receiving evidence on the Petition;

(2) That the hearing in this matter, currently scheduled for January 7, 2003, is hereby canceled;

(3) That the procedural schedule is hereby revised as stated below;

(4) That, on or before January 3, 2003, Adelphia shall file with the Clerk of the Commission an original and fifteen (15) copies of any prefiled direct testimony and exhibits it intends to offer at the hearing. The prefiled direct testimony of Adelphia may be in the form of questions and answers, narrative statement, or any other written documents which clearly state the nature of Adelphia's claim, the specific relief sought, and the legal and factual reasons supporting the claim. In addition, on or before January 3, 2003, Adelphia shall serve a copy of its prefiled direct testimony and exhibits on NOVEC;

(5) That, on or before January 14, 2003, NOVEC shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony and exhibits it intends to present at the hearing, and shall simultaneously send a copy thereof to Adelphia; and

(6) That, on or before January 24, 2003, Adelphia shall file an original and fifteen (15) copies of any testimony and exhibits it intends to introduce in rebuttal, and simultaneously send a copy thereof to NOVEC.

Alexander F. Skirpan, Jr.
Hearing Examiner